

PART 2812—DEPARTMENT OF AGRICULTURE GUIDELINES FOR THE DONATION OF EXCESS RESEARCH EQUIPMENT UNDER 15 U.S.C. 3710(i)

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APPENDIX A TO PART 2812—GIFT/ACCEPTANCE AGREEMENT: EDUCATIONAL INSTITUTION OR NONPROFIT ORGANIZATION AND THE UNITED STATES DEPARTMENT OF AGRICULTURE

AUTHORITY: 5 U.S.C. 301.

SOURCE: 60 FR 34456, July 3, 1995, unless otherwise noted.

§ 2812.1 Purpose.

This part sets forth the procedures to be utilized by USDA agencies and laboratories in the donation of excess research equipment to educational institutions and non-profit organizations for the conduct of technical and scientific education and research activities as authorized by 15 U.S.C. 3710(i). Title to excess research equipment donated pursuant to 15 U.S.C. 3710(i), shall pass to the donee.

§ 2812.2 Eligibility.

Eligible organizations are educational institutions or non-profit organizations involved in the conduct of technical and scientific educational and research activities.

§ 2812.3 Definitions.

(a) *Cannibalization.* The dismantling of equipment for parts to repair or enhance other equipment. The residual is reported for disposal. Cannibalization is only authorized if the property value is greater when cannibalized than retention in the original condition.

(b) *Education-related Federal equipment.* Equipment that is appropriate for educational purposes.

(c) *Excess personal property.* Items of personal property no longer required by the controlling Federal agency.

(d) *Research equipment.* Federal property determined to be essential to conduct scientific or technical educational research.

(e) *Technical and scientific education and research activities.* Non-profit tax exempt public educational institutions or government sponsored research organizations which serve to conduct technical and scientific education and research.

§ 2812.4 Procedures.

(a) Prior to receipt of excess personal property/equipment under this part, the donee shall enter into a gift/acceptance agreement with the donor agency. A copy of that agreement is attached as appendix A to this part.

(b) Each agency head will designate in writing an authorized official to approve donations of excess property/equipment under this part.

(c) Property targeted for donation under this part will first be screened as excess by USDA agencies through the Departmental Excess Personal Property Coordinator (DEPPC) using the PMIS/PROP system.

(d) Upon reporting property for excess screening, if the pertinent USDA agency has an eligible organization in mind for donation under this part, enter "P.L. 102-245" in the note field. The property will remain in the excess system approximately 30–45 days and, if no agency in USDA requests it during the excess cycle, DEPPC will send the agency a copy of the excess report stamped "DONATION AUTHORITY TO THE HOLDING AGENCY IN ACCORDANCE WITH P.L. 102-245."

(e) Donations under this Part will be accomplished by preparing a Standard Form (SF) 122, "Transfer Order-Excess Personal Property" and a written justification statement (submitted by the recipient) explaining why the property is needed.

(f) The SF-122 should be signed by both an authorized official of the agency and the Agency Property Management Officer. The following information should also be provided.

(1) Name and address of Donee Institution (Ship to)

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(2) Agency name and address (holding Agency)

(3) Location of property

(4) Shipping instructions (Donee contact person)

(5) Complete description of property, including acquisition amount, serial no., condition code, quantity, and agency order no.

(6) This statement needs to be added following property descriptions. "The property requested hereon is certified to be used for the conduct of technical and scientific education and research activities. This donation is pursuant to the provisions of Pub. L. 102-245."

(g) Once the excess personal property/equipment is physically received, the donee is required to immediately return a copy of the SF-122 to the donating agency indicating receipt of requested items. Cancellations should be reported to DEPPC so the property can be reported to the General Services Administration (GSA).

NOTE: The USDA agency shall send an informational copy of the transaction to GSA.

§ 2812.5 Restrictions.

(a) The authorized official (see § 2812.4(b)) will approve the donation of excess personal property/equipment in the following groups to educational institutions or nonprofit organizations for the conduct of technical and scientific educational and research activities.

ELIGIBLE GROUPS

FSC group	Name
19	Ships, Small Craft, Pontoons, and Floating Docks.
23	Vehicles, Trailers and Cycles.
24	Tractors.
37	Agricultural Machinery and Equipment.
43	Pumps, Compressors.
48	Valves.
58	Communication, Detection, and Coherent Radiation Equipment.
59	Electrical and Electronic Equipment Components.
65	Medical, Dental, and Veterinary Equipment and Supplies.
66	Instruments and Laboratory Equipment.
67	Photographic Equipment.
68	Chemicals and Chemical Products.
70	General Purpose Automatic Data Processing Equipment, Software Supplies, and Support Equipment.
74	Office Machines and Visible Record Equipment.

NOTE: Requests for items in FSC Groups or Classes other than the above should be referred to the agency head for consideration and approval.

(b) Excess personal property/equipment may be donated for cannibalization purposes, provided the donee submits a supporting statement which clearly indicates that cannibalizing the requested property for secondary use has greater potential benefit than utilization of the item in its existing form.

§ 2812.6 Title.

Title to excess personal property/equipment donated under this Part will automatically pass to the donee once the sponsoring agency receives the SF-122 indicating that the donee has received the property.

§ 2812.7 Costs.

Donated excess personal property/equipment is free of charge. However, the donee must pay all costs associated with packaging and transportation, unless the sponsoring agency has made other arrangements. The donee should specify the method of shipment.

§ 2812.8 Accountability and record-keeping.

USDA requires that property requested by a donee be placed into use by the donee within a year of receipt and used for at least 1 year thereafter. Donees must maintain accountable records for such property during this time period.

§ 2812.9 Disposal.

When the property is no longer needed by the donee, it may be used in support of other Federal projects or sold and the proceeds used for technical and scientific education and research activities.

§ 2812.10 Liabilities and losses.

USDA assumes no liability with respect to accidents, bodily injury, illness, or any other damages or loss related to excess personal property/equipment donated under this part. The donee is advised to insure or otherwise protect itself and others as appropriate.

APPENDIX A TO PART 2812—GIFT/AC-
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PROFIT ORGANIZATION AND THE
UNITED STATES DEPARTMENT OF AG-
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Gift/Acceptance Agreement (Agreement) between (USDA Agency) and (Educational Institution or NonProfit Organizations).

(1) *Purpose.* The purpose of the Agreement is to establish a relationship between the U.S. Department of Agriculture (USDA Agency) and (Educational Institution or NonProfit Organization) concerning the transfer of excess research equipment to this educational institution or nonprofit organization for the conduct of technical and scientific education and research activities. Title of ownership transfers to the recipient.

(2) *Authority.* Pub. L. 102-245, Sec. 303, amended, Section 11 of the Stevenson-Wydler Technology Innovation Act of 1980, by adding subsection (i), Research Equipment, which provides that "the Director of the laboratory, or the head of any Federal agency or department, may give research equipment that is excess to the needs of the laboratory, agency, or department to an educational institution or non-profit organization for the conduct of technical and scientific education and research activities."

(3) *Objectives and program elements.* This Agreement is intended to provide a mechanism for the transfer of excess research equipment from USDA to the (Educational Institution or Nonprofit Organization) in accordance with the procedures set out in the regulations implementing Pub. L. 102-245.

(4) *Management.* In order to enable close collaboration, it is agreed that the (Educational Institution or NonProfit Organization) will provide to (USDA Agency) an annual inventory listing of property acquired under Pub. L. 102-245.

The (USDA Agency) and (Educational Institution or NonProfit Organization) will

each identify a coordinator to implement this Agreement. These coordinators shall meet when necessary to review new Federal property regulations.

The coordinators shall seek to resolve any disputes concerning the Agreement through good faith discussions.

(5) *Effective date and revision or termination.* The Agreement shall enter into effect upon signature and shall remain in effect for 3 years. It may be extended or amended by written agreement of the parties at any time prior to its expiration or termination. The Agreement may be terminated at any time upon 60 days written notice by either party to the other. The termination of the Agreement shall not affect the validity of any property transactions under the Agreement which were initiated prior to such termination.

Property Coordinators

The property coordinators for this Agreement are:

Name _____
(Educational Institution/NonProfit Organization)

(Complete Address and Phone Number)

Name _____
(USDA Coordinator)

(Complete Address and Phone Number)

Approved:

(Educational Institution/NonProfit Organization)

Date

(USDA Agency Head)

Date